

UNITED STATES DISTRICT COURT

for the
Central District of California

In the Matter of the Search of
**A USPS Priority Mail Express parcel bearing
tracking number EI 140 776 166 US**

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Case No. **8:24-mj-00450-DUTY**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Central District of California, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| <i>Code Section</i> | <i>Offense Description</i> |
|-----------------------|---|
| 21 U.S.C. § 841(a)(1) | distribution and possession with intent to distribute a controlled substance |
| 21 U.S.C. § 846 | conspiracy to distribute or possess with intent to distribute a controlled substance |
| 21 U.S.C. § 843(b) | unlawful use of a communication facility, including the mails, to facilitate the distribution of a controlled substance |

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (*give exact ending date if more than 30 days: _____*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Sumyra Duy

Applicant's signature

Sumyra Duy, U.S. Postal Inspector (USPIS)

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: _____

Judge's signature

City and state: Santa Ana, California

Hon. Douglas F. McCormick, U.S. Magistrate Judge

Printed name and title

AUSA: Brian Yang (714) 338-3534

AFFIDAVIT

I, Sumyra Duy, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of an application for a warrant to search the following United States Postal Service ("USPS") Priority Mail Express parcel in the custody of the United States Postal Inspection Service ("USPIS") in Santa Ana, California, within the Central District of California, as described more fully in Attachment A:

a. A USPS Priority Mail Express parcel with tracking label number EI 140 776 166 US ("**SUBJECT PARCEL**");

2. The requested search warrant seeks authorization to seize evidence, fruits, and instrumentalities of violations of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled substance); 846 (conspiracy to distribute or possess with intent to distribute a controlled substance); and 843(b) (unlawful use of a communication facility, including the mails, to facilitate the distribution of a controlled substance) (the "Subject Offenses"), as described more fully in Attachment B. Attachments A and B are incorporated by reference herein.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does

not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only, and all dates and times are on or about those indicated.

II. TRAINING AND EXPERIENCE

4. I am a United States Postal Inspector ("USPI") with the United States Postal Inspection Service ("USPIS") and have been so employed since May 2012. I am currently assigned to the Contraband Interdiction and Investigation - South Team of the Los Angeles Division, which is responsible for investigating drug trafficking violations involving the United States Mail to distribute controlled substances and/or controlled substances proceeds.

5. I have completed a twelve-week basic law enforcement training course in Potomac, Maryland, which included training in the investigation of narcotics trafficking via the United States Mail. Additionally, I have attended a 40-hour Los Angeles Police Department Peace Officer Standards and Training Certified Academy Narcotics School. Prior to becoming a USPI, I worked as a financial investigator. I hold a Bachelor of Arts degree from California State University, Fullerton in Sociology and a Master's of Advanced Study from University of California, Irvine in Criminology, Law and Society. As part of my law enforcement duties, I have conducted numerous parcel investigations that have resulted in the arrest of individuals who have received and distributed controlled substances, as well as the seizure of the

controlled substances and/or the proceeds of the sales of controlled substances.

III. SUMMARY OF PROBABLE CAUSE

6. On or about September 17, 2024, at the Los Angeles USPS Mail Processing Annex in Los Angeles County, California, I and other Law Enforcement Officers identified the **SUBJECT PARCEL** as meeting some of the following criteria common to packages containing contraband, including there is a handwritten label without a business account and no names listed with the return or recipient addresses.

7. Additionally, on or about September 19, 2024, a trained drug detection dog alerted to the **SUBJECT PARCEL** for the presence of drugs or other items, such as the proceeds of drug sales that have been contaminated by drugs.

IV. STATEMENT OF PROBABLE CAUSE

A. Background on Use of Mails for Drug Trafficking

8. Based on my training and experience as a Postal Inspector, and the experiences shared with me by fellow Postal Inspectors who specialize in drug investigations, I know the following:

a. Postal Inspectors have been conducting investigations of drug trafficking via USPS Express Mail and Priority Mail since the mid-1980s. In the early 1990s, Postal Inspectors in Los Angeles, California, began conducting organized interdictions of Priority Mail Express and Priority Mail parcels suspected of containing controlled substances and proceeds from the sale of controlled substances. Postal

Inspectors also regularly examined and investigated Priority Mail Express and Priority Mail parcels. During the 1990s, Postal Inspectors observed that the trend was for drug traffickers to send controlled substances and proceeds from the sale of controlled substances, in the form of cash, using boxes.

b. Although Postal Inspectors still see boxes used to send for controlled substances and cash, there has been a gradual change over the years toward the current trend of using smaller boxes, flat cardboard envelopes, and Tyvek envelopes, with proceeds from the sale of controlled substances converted to money orders. By using money orders, drug traffickers are able to send large dollar amounts in compact form, using much smaller conveyances, which lend a sense of legitimacy to the parcel's appearance.

c. Los Angeles is a significant source area for controlled substances. Controlled substances are frequently transported from the Los Angeles area via U.S. Mail, and the proceeds from the sale of controlled substances are frequently returned to the Los Angeles area via U.S. Mail. These proceeds are generally in the form of money orders, bank checks, or similar monetary instruments in an amount over \$1,000. Based on my training and experience, I know that proceeds from the sale of controlled substances often contain the odor of drugs because they have been contaminated by or associated with the odor of one or more drugs.

d. Drug traffickers often use USPS Priority Mail Express, which is the USPS overnight/next day delivery mail

product, or Priority Mail Service, which is the USPS two-to-three-day delivery mail product. Drug traffickers use the Priority Mail Express delivery service because of its speed, reliability, and the ability to track the parcel's progress to delivery. Drug traffickers use the Priority Mail delivery service because it provides them more time for travel between states if they decide to follow their shipments to their destination for distribution. Also, by adding delivery confirmation to a Priority Mail parcel, drug traffickers have the ability to track the parcel's progress to the intended delivery point, as if the parcel had been mailed using the Priority Mail 2-Day Service.

9. Based on my training and experience, and the collective experiences shared with me by fellow Postal Inspectors who specialize in investigations involving the mailing of controlled substances and proceeds from the sale of controlled substances, I know that the following indicia suggest that a parcel may contain drugs or drug trafficking proceeds:

- a. The parcel is contained in a Large Flat Rate cardboard box;
- b. The parcel bears a handwritten or typed label, whether USPS Express Mail or Priority Mail;
- c. The handwritten or typed label on the parcel does not contain a business account number;
- d. The seams of the parcel are all taped or glued shut;

e. The parcel emits an odor of a cleaning agent or adhesive or spray foam that can be detected by a human; and

f. Multiple parcels are mailed by the same individual, on the same day, from different locations.

10. Parcels exhibiting such indicia may be subject to further investigation, which may include verification of the addressee and return addresses.

11. I know from my training and experience that drug traffickers often use fictitious or incomplete names and addresses in an effort to conceal their identities from law enforcement officers investigating these types of cases. To the extent that real addresses are ever used, it is only to lend a legitimate appearance to the parcel and is almost always paired with a false name.

B. Initial Investigation of the SUBJECT PARCEL

12. On or about September 17, 2024, during routine parcel inspections at the Los Angeles USPS Mail Processing Annex, I determined that the **SUBJECT PARCEL** met some of the above-mentioned indicia for the identification of parcels containing drugs or drug trafficking proceeds. Specifically, I determined the following:

a. **SUBJECT PARCEL** is a USPS Priority Mail Express parcel bearing tracking number EI 140 776 166 US. **SUBJECT PARCEL** is a white colored, medium-sized USPS cardboard box. **SUBJECT PARCEL** has a handwritten label with no business account listed and no names listed with the return and recipient addresses. According to CLEAR, a law enforcement and open-

source database, the return address listed on **SUBJECT PARCEL** - "530 NE 59th St., Miami, FL 33137" - appears to be a legitimate address. The recipient address listed on **SUBJECT PARCEL** - "888 S. Hope St. Unit 1712, Los Angeles, CA 90017" - appears to be a legitimate address.

C. Drug-Detection Dog Alerts to the SUBJECT PARCEL

13. Based on my conversations with Santa Ana Department Detective Gabriel Gutierrez, I learned the following:

a. On or about September 19, 2024, based on the suspicious characteristics of the **SUBJECT PARCEL**, Detective Gutierrez had his trained drug detection dog, "Poppy," examine the exterior of the **SUBJECT PARCEL**.

b. To examine the **SUBJECT PARCEL**, law enforcement personnel placed the **SUBJECT PARCEL** in an area where Detective Gutierrez could perform a canine sniff with Poppy.

c. Poppy gave a positive alert to the **SUBJECT PARCEL**, indicating the presence of controlled substances or other items, such as the proceeds of controlled substances, which have been recently contaminated with the odor of controlled substances.

d. Attached hereto as Exhibit 1, and incorporated by reference herein, is a true and correct copy of Detective Gutierrez's Affidavit describing Poppy's training and history in detecting controlled substances and the alert on the **SUBJECT PARCEL**.

V. CONCLUSION

14. For the reasons above, there is probable cause to believe that the **SUBJECT PARCEL**, as described in Attachment A, contain evidence, fruits, and instrumentalities of violations of the SUBJECT OFFENSES, as described in Attachment B.

Attested to by the applicant in
accordance with the requirements
of Fed. R. Crim. P. 4.1 by
telephone on this 23rd day of
September, 2024.

HONORABLE DOUGLAS F. McCORMICK
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

PARCEL TO BE SEARCHED

The following United States Postal Service ("USPS") parcel seized on September 17, 2024, at the Los Angeles USPS Mail Processing Annex and currently the United States Postal Inspection Service in Santa Ana, California custody:

a. **SUBJECT PARCEL** is a USPS Priority Mail Express parcel bearing tracking number EI 140 776 166 US. **SUBJECT PARCEL** is a white colored, medium sized USPS cardboard box. **SUBJECT PARCEL** is addressed to "888 S. Hope St. Unit 1712, Los Angeles, CA 90017." The return address listed on **SUBJECT PARCEL** is "530 NE 59th St., Miami, FL 33137." **SUBJECT PARCEL** was postmarked on September 16, 2024, in the 33127 zip code.

ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized from the parcels described in Attachment A, which constitutes evidence, contraband, fruits, and instrumentalities of violations of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled substance); 846 (conspiracy to distribute or possess with intent to distribute a controlled substance); and 843(b) (unlawful use of a communication facility, including the mails, to facilitate the distribution of a controlled substance) (the "Subject Offenses"), namely:

- a. Any controlled substances, including marijuana;
- b. Currency, money orders, bank checks, or similar monetary instruments in aggregate quantities over \$1,000; and
- c. Parcel wrappings used to conceal items described in (a) and/or (b).

EXHIBIT 1

AFFIDAVIT

**HANDLER GABRIEL GUTIERREZ
AND K9 "POPPY"**

I am currently employed by the Santa Ana Police Department, and assigned as a Detective to the Vice/Narcotics Unit. As of April 7th, 2021, I was assigned as a Narcotic Detection Canine Handler. "Poppy" who is a 5 year old female Black Labrador Retriever, was acquired by the Santa Ana Police Department on April 7th, 2021. Subsequently, I was assigned as POPPY'S full-time canine handler on this day.

POPPY and I have received training as a Narcotic Detection Canine Team by "Scenturion Canine Consulting LLC," which is located in Fontana, California. Poppy and I completed 4 weeks of formal Narcotic Detection Training taught by "Scenturion Canine Consulting LLC" from April 12, 2021 through May 6th, 2021. During that time, POPPY has been trained to detect and alert to the odors of Marijuana, Methamphetamine, Cocaine, Heroin, MDMA (Ecstasy) and their derivative. POPPY has been trained to show a "passive alert" in response to detecting any of these narcotic odors. Prior to her final alert POPPY will often make sudden change of direction towards the source of the odor, her breathing pattern will change and she may take several deep inhalations through his nose, and then appear to stop taking breaths. Also, without direction, POPPY may also jump up into and/or crawl under obstacles to get closer to the source of the odor(s). This passive alert may also indicate item(s) that may have recently been contaminated with the odor of one or more of the aforementioned narcotics for which POPPY has been trained to detect.

Also, while training at "Scenturion Canine Consulting LLC," POPPY and I completed over 400 narcotic related and "blank" sniffs. These sniffs consisted of commercial buildings, residential homes, vehicles, transport trucks, packages/parcels, luggage, and many other different types of structures and objects. During these training sessions, the "training aids" were concealed in various locations, inside and/or outside, and POPPY was used to detect and locate them. POPPY and I, have also conducted sniffs where there were no narcotics present (blanks), and POPPY did not adversely alert to these locations that were deemed blank.


On May 6th, 2021, POPPY and I passed the initial California POST certification process through "CNCA," which was conducted by a recognized CNCA Certified K9 trainer/instructor, to detect the odors of Marijuana, Methamphetamine, Cocaine, Heroin, MDMA (Ecstasy) and their derivative. It was on this day, POPPY and I became a CA POST Certified Narcotics Detection Team. On January 14, 2022, December 22, 2022 and November 7, 2023, POPPY and I re-certified as a CA POST Certified Narcotics Detection Team through "CNCA". I am also a current member of the California Narcotics Officers Association (CNOA).

During the week of June 6, 2023, Poppy was trained to detect and alert to the odor of Fentanyl and its derivatives. On June 9, 2023, Poppy and I passed the California POST certification process through "CNCA," which was conducted by a recognized CNCA Certified K9 trainer/instructor, to detect the odor of Fentanyl and its derivatives.

On September 19, 2024, my police canine and I assisted with a narcotic parcel investigation. Canine Poppy alerted to the presence of the odor of illegal narcotics emitting from the following parcel.

USPS Parcel: EI 140 776 166 US

Addressed To: 888 S HOPE
ST UNIT 1712
LOS ANGELES, CA
90017-4753



Detective Corporal G. Gutierrez #3252
Santa Ana PD